

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200480545

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office

Date:

At the project site

Date: Oct 27 04

### PROJECT LOCATION INFORMATION:

State: Colorado

County: Weld

Center coordinates of site by latitude & longitudinal coordinates: 40 26 33.6192, 104 47 08.1259

Approximate size of site/property (including uplands & in acres): 30

Name of waterway or watershed: Cache la Poudre River

SITE CONDITIONS: rural dry upland surrounds the aquatic sites

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			x						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Approved x Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

T The wetlands at this site do not flow to a jurisdictional tributary and are neither adjacent to nor surface connected to a waters of the U.S. The nearby Greeley No. 3 ditch at this site is not jurisdictional because the reach of the ditch at this site is constructed entirely in dry uplands and does not intercept any tributary upstream of this project. Since the ditch does not intercept 100% of the flow of a natural tributary, it has not replaced a natural tributary and is simply functioning as an irrigation ditch. In that regard the wetlands are not adjacent to a jurisdictional irrigation ditch.